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Attorneys for Plaintiffs,
DARIO CERAGIOLI, deceased by and through ELIZABETH CERAGIOLI, as Successor in Interest,
ELIZABETH CERAGIOLI in her personal capacity, MARY CERAGIOLI, ANTHONY CERAGIOLI,
and JOSHUA CERAGIOLI

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DARIO CERAGIOLI, deceased by and
through ELIZABETH CERAGIOLI, as
Successor in Interest, ELIZABETH
CERAGIOLI in her personal capacity, MARY
CERAGIOLI, ANTHONY CERAGIOLI, and
JOSHUA CERAGIOLI,

Plaintiffs,

v.

BUTTE COUNTY, a municipal corporation;
Sheriff KORY L. HONEA, individually and in
his official capacity as Sheriff of BUTTE
COUNTY; CASEY O'HERN, individually
and in his official capacity as Deputy Sheriff
of BUTTE COUNTY; JOSEPH GEORGE,
individually and in his official capacity as
Deputy Sheriff of BUTTE COUNTY;
CRYSTAL COMER; TANYA ATKINSON;
PAMELA JOHANSEN; and WELLPATH,
LLC; WELLPATH MANAGEMENT, Inc.;
and DOES 1 through 60, inclusive,

Defendants.

Case No.: 2:23-cv-01113-TLN-DMC

**JOINT STIPULATION AND
ORDER TO EXTEND
PLAINTIFFS' TIME TO OPPOSE
DEFENDANTS' REINSTATED
MOTION TO DISMISS**

Complaint Filed: 6/12/23
1st Am. Comp. Filed: 6/12/24
Trial Date: None Set

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1 Plaintiffs DARIO CERAGIOLI, deceased by and through ELIZABETH CERAGIOLI, as
2 Successor in Interest, ELIZABETH CERAGIOLI in her personal capacity, MARY CERAGIOLI,
3 ANTHONY CERAGIOLI, and JOSHUA CERAGIOLI, and Defendants WELLPATH, LLC,
4 WELLPATH MANAGEMENT, INC., CRYSTAL COMER, TANYA ATKINSON, and PAMELA
5 JOHANSEN (collectively referred to as the “Parties”) by and through their respective counsels of
6 record, have met and conferred and jointly submit the following stipulation and proposed order to
7 extend Plaintiffs’ time to file Opposition to Wellpath Defendants’ Reinstated Motion to Dismiss (ECF
8 No. 52) to November 10, 2025, and the related reply deadline to 10 days thereafter, or a date soon
9 thereafter as convenient for the Court.

10 This request is based on good cause set forth below:

- 11 1. The original complaint in this case was filed on June 12, 2023. The First
12 Amended Complaint was filed on June 12, 2024.
- 13 2. On November 11, 2024, Defendants Wellpath, LLC, and Wellpath Management,
14 Inc., (collectively, the “Wellpath Defendants”) filed bankruptcy petitions in the
15 United States Bankruptcy Court for the Southern District of Texas (Houston
16 Division) (the “Bankruptcy Court”). On November 13, 2024, the Wellpath
17 Defendants informed this Court and the parties to this action of the bankruptcy
18 petitions, jointly administered under lead Case No. 24-90533, and advised of an
19 automatic stay to proceedings in the instant action.
- 20 3. On June 4, 2025, the Bankruptcy Court issued a General Form of Order stating
21 that the stay was no longer in effect, a Liquidating Trust had assumed the
22 Wellpath Defendants’ liability in claims, and establishing trust distribution
23 procedures.

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4. On August 4, 2025, the Bankruptcy Court ordered that a claimant could liquidate her personal injury claims against Wellpath entities in her original forum and that the Wellpath Defendants and/or the Wellpath Liquidating Trust could be named as nominal defendants in those matters.
5. On September 2, 2025, Wellpath bankruptcy counsel and the Wellpath Liquidating Trust counsel filed objections in Bankruptcy Court to allowing claimants to proceed nominally against the Wellpath Defendants and the Wellpath Liquidating Trust.
6. On September 23, 2025, Wellpath Liquidating Trust counsel filed a motion in Bankruptcy Court moving to require claimants to engage in the trust distribution procedures outlined in Wellpath Defendants' April 29, 2025 bankruptcy plan filing before proceeding against the Wellpath Defendants in their original forums.
7. Parties have met and conferred after the September 23, 2025 motion's filing and do not agree regarding the implications of the Bankruptcy Court's orders and the aforementioned objections and motion before it.
8. Parties do agree that an extension of time for Plaintiffs' Opposition to Wellpath Defendants' Motion to Dismiss is in the interest of justice so they can confer further when the Bankruptcy Court rules on the objections and motion.
9. Therefore, Parties request an extension of time from September 26, 2025 to November 10, 2025 for Plaintiffs' Opposition to the Motion to Dismiss.
10. This is the third request for extension of time for Plaintiffs' Opposition, and the second joint stipulation requesting extension. The first request for extension of time was a motion for 45-day extension made by Plaintiffs. On July 1, 2025, the

1 Court issued its Minute Order on the first request, allowing filing of Plaintiffs'
2 Opposition by August 14, 2025, vacating the set Motion to Dismiss hearing, and
3 stating that should the Court deem oral argument necessary, it will be scheduled
4 at a later date. The second request for extension of time was a joint stipulation
5 made by Plaintiffs and Wellpath Defendants for a 43-day extension. On August
6 14, 2025, the Court issued its signed order on the joint stipulation, allowing filing
7 of Plaintiffs' Opposition by September 26, 2025, and the Defendants' reply 10
8 days thereafter.

9 11. The Parties request and stipulate that Wellpath Defendants' reply deadline will
10 run with the new Opposition due date.

11 The Parties respectfully submit that the circumstances set forth above demonstrate good cause
12 to grant the requested extension, and the interests of justice will be served by the same.

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14 DATED: September 25, 2025

MITCHELL LEEDS, LLP

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16 By: /s/ Nathaniel Leeds, Esq.
17 Nathaniel M. Leeds
Attorney for Plaintiffs

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19 DATED: September 25, 2025

MEDICAL DEFENSE LAW GROUP

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21 By: /s/ Paul Cardinale, Esq. authorized on 9/25/25
22 Paul A. Cardinale, Esq.
23 Attorney for Defendants WELLPATH, LLC;
24 WELLPATH MANAGEMENT, INC.; CRYSTAL
COMER; TANYA ATKINSON; and PAMELA
JOHANSEN

PURSUANT TO STIPULATION, IT IS SO ORDERED that Plaintiffs' time to file Opposition to Wellpath Defendants' Reinstated Motion to Dismiss is extended to November 10, 2025, and the related Defendants' reply deadline is extended to 10 days thereafter.

DATED: September 25, 2025



Troy L. Nunley
Chief United States District Judge